



**MINUTES OF THE SPECIAL JOINT MEETING OF
THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD, City
Council Chambers 777 B Street, Hayward, CA 94541
Tuesday, October 6, 1998, 8:00 p.m.**

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor Cooper.

ROLL CALL

Present: **COUNCIL/RA MEMBERS** Jimenez, Hilson,
Rodriquez, Ward, Dowling, **Henson**
MAYOR/Chairperson Cooper
Absent: None

PRESENTATION: Business Recognition Award

The October Business Recognition Award **was** presented to Capital and Counties USA, Inc., for renovation and retenancing the Jackson Square Shopping Center located at Jackson and Amador Streets. Capital and Counties USA, Inc., is headquartered in San Francisco and manages approximately 1.4 million square feet of retail and office properties. Since **1968** they have acquired holdings in upscale shopping centers and **office** buildings including the Willows Shopping Center in Concord and Ghiradelli **Square** in San Francisco. Capital and Counties USA, Inc., recently completed a two million dollar renovation of Jackson Square. Capital and Counties acquires superior sites and properties that possess the fundamental qualities of successful real estate. They first became aware of the shopping center in November **1995**, and immediately recognized that Jackson Square embodied these qualities. Not only was the center located in a thriving trade area, it also held strong opportunities for retenancing to more closely meet the needs of the community. This award was presented to Capital and Counties USA, Inc., in recognition of its contribution to the vitality and economic well being of our community. Fergal McHugh, Vice President, accepted the award.

PUBLIC COMMENTS

Jason **Moreno**, 25200 Carlos Bee Boulevard, commented on the various challenges facing the people of Hayward and continued his complaints about the administration of the City.

Roger Womack, 23676 Nevada Road, complained further about the re-roofing problems he has faced.

John Gilbertson, 22907 Nevada Road, commented on the lack of an office for civilian complaints. He asked that Article 7 be uniformly enforced.

Jim **Healey**, 3070 Horseshoe Court, represented the Hayward Historical Society in supporting **Measure HH**.

Don Gall, 1338 Grizzly Peak Boulevard, Berkeley, senior minister of the Eden Congregational Church, a major beneficiary of the Oliver Trust expressed support for Measure HH.

Hector **Caraballo**, 30717 Brae Burn Avenue, member of the Committee to Save **Open** Space, expressed opposition to Measure **HH**.

CONSENT

1. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of September 22, 1998

It was moved by **Council/RA Member Henson**, seconded by **Council/RA Member Hilson**, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of September 22, 1998.

2. Ruus Road Sanitary Sewer Line Replacement, Tennyson Road Interceptor Improvement and Tennyson Road Lift Station Improvement, Rejection of Bids

Staff report submitted by Deputy Director of Public Works Ameri, dated October 6, 1998, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 98-170, "Resolution Rejecting **all** Bids and Authorizing Re-Advertisement and Call for New Bids for the Ruus Road Sanitary Sewer Line Replacement, Tennyson Road Interceptor Improvement and Tennyson Road Lift Station Improvement Projects, Project Nos. **7604, 7588** and 7502"

3. State-Local Transportation Partnership Program: Authorization to Execute Program Supplements No. 17 and No. 18

Staff report submitted by Deputy Director of Public Works Bauman, dated October 6, 1998, was filed



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It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 98-171, "Resolution Authorizing the City Manager to Execute Program Supplement Number 017 and 018 to **Agency-** State Agreement no. 5050 for the **Soto** Road and Orchard Avenue Roadway Projects, Project No. 5732 and 5730"

4. Authorization for Execution of an Agreement for Professional Design Services - Hesperian Pump Station, Phase I

Staff report submitted by Deputy Director of Public Works Ameri, dated October 6, 1998, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 98-172, "Resolution Authorizing the City Manager to Execute Agreement Between the City of Hayward and Carol10 Engineers for Professional Services to Prepare Plans, Specifications, and Construction Cost Estimates for Development of the Hesperian Booster Pump Station, Phase I, Project No. 7144"

Resolution 98-173, "Resolution Amending Resolution 98-110, as Amended, the Budget Resolution for Capital Projects for Fiscal Year 1998-99, Relating to an Appropriation of Funds for the Hesperian Booster Pump Station, Phase I"

5. Authorization for Execution of an Agreement with Environmental Planning Consultants to Review and Amend the City's 1990 Base Year Disposed Refuse Tonnage

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated October 6, 1998, was filed.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Resolution 98-174, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Environmental Planning Consultants for Professional Services to Review and Revise the City's 1990 Base Year Disposed Reuse Tonnage"

LEGISLATIVE BUSINESS

6. Adoption of Amended Owner Participation and Business Preference Rules by the Redevelopment Agency, and Election by the City to Receive Passthrough Tax Increment Revenue

Staff report submitted by Redevelopment Director Bartlett, for **October 6, 1998**, was **filed**.

Redevelopment Director Bartlett reported that the Hayward Redevelopment Area Committee recommended adoption of the amended owner participation rules which will provide more details on the RFP process including the definition of "in conformance with the Redevelopment Plan." The second action was the City's election to adopt passthrough payments of a portion of the tax increment in the Redevelopment Project Area. Redevelopment law now provides a formula wherein the City can receive 20 percent of its share of the tax increment growth over the life of the plan. Currently the City receives no passthrough tax payments. The proposal is for the City to receive these payments and then transfer these payments back to the Agency during the first 5 years of the amended project area's life, in order to help with funding in the first few years. Over the life of the plan, the City is projected to receive \$2.1 million in passthrough payments.

Mayor/Chairperson Cooper opened and closed the public hearing at **8:32 p.m.**, with no comments from the public.

It was moved by Council/RA Member Hilson, seconded by **Council/RA Member Ward**, and unanimously carried by all present, to approve the following:

Resolution 98-175, "Resolution Electing to Receive all or any Portion of Tax Increment Revenues Pursuant to the Community Redevelopment Law"

RA Resolution 98-12, "Resolution Adopting Amended Owner Participation and Business Preferences Rules"



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7. Approval of Process for Providing Public Art at New Parking Structure Located at B and Watkins Streets

Staff report submitted by Assistant City Manager Anderson, dated October 6, 1998, was filed.

Assistant City Manager Anderson explained the process proposed for creating and installing public art at the parking structure at "B" and Mission Streets, adjacent to City Hall. The proposal would involve the Council appointing a seven-member Ad Hoc Arts Committee with a budget of approximately \$40,000. The Committee would develop a criterion for the submission of art and its evaluation with a circulation of a Request for Proposal to the arts community. The Committee would narrow down the submittals, which would be mocked up for public display and comment. The Council would make the final decision. The process would take approximately eight months.

Council Member Hilson expressed displeasure that he was not included in the process or consulted regarding his thoughts and concerns prior to the presentation to Council. He indicated that the Committee should have broad discretion on handling the project with staff having a limited role. He proposed that the Ad Hoc Committee manage the project. They should explore additional funding resources through grants and possible submissions from art schools as projects they might consider. This could lower the cost of the project. The Committee should be independent and not limited to exploring the list of items on the report, and it should set and determine its own agenda and schedules, and develop a list of finalists. He added that it is appropriate to have the project managed by the members of the Committee.

Mayor Cooper opened and closed the public hearing at 8:57 p.m., with no comments from the public.

Before moving the item, Council Member Ward thanked Council Member Hilson for his initial proposal to entertain public art at this location. It is an important structure in the downtown and the artwork will reflect who we are as a community. It will not be an easy process. He also thanked staff for their work on the process. He then moved the item, seconded by Council Member Jimenez.

Council Member Rodriguez clarified that staff would provide expertise and information to the Committee. The Committee, in turn, would make the decision as to the kind of artwork appropriate to the structure. She proposed that members of the Committee would include members from outside the City of Hayward.

Council Member Ward indicated that the motion clearly indicated that each Council Member had the opportunity to name an individual who they deemed appropriate for the Committee.

Council Member **Henson** added that he would like this process to be as open as possible. He would like to see young artists come forward in the process. He **added** that the more and fresher the ideas, the better the product. He said he wished that the dedication ceremony could be held simultaneous to the art rendering. He said he is looking forward to a nice finished product.

Council Member **Hilson** said he would have preferred an open competition from what is proposed. He then asked for a friendly amendment to include his previous comments.

Council Member Ward agreed after clarifying that the inclusion of the additional items would not conflict with the initial motion.

Council Member Jimenez agreed with the friendly amendment and complimented staff on the work they had done on the report

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried by all present, to approve a process to create and install public art at the new parking garage structure and to **include** opportunity to explore additional funding resources such as grants. The City should also **explore** submissions **from** art schools as projects with the clarification that the Committee, not the City, develop the list of finalists; **that** it be independent and not limited to **the** listed items, and that the Committee set and determine its own agenda and schedule.

City Manager **Armas** then asked that Council members each identify whether their choice of Committee member would be a representative of either the arts community or the general community so there will be a balance to **the** Community. He said the compilation would be sent to members in their weekly report. He then asked that each member bring forward individual names to the Clerk within two weeks.

8. Authorization to Issue Request for Proposals (RFP) for Office and Residential Mixed-Use Development Adjacent to the Civic Center, and Termination of the Residential Portion of Existing Development Agreement with Hayward City Center Company, LLC

Staff report submitted by Assistant City Manager **Anderson**, for October **6, 1998**, was filed.

Assistant City Manager Anderson indicated that the existing development agreement calls for residential development to the south of the present City Hall location. Since negotiations are still under way to acquire the property, the developer has asked to be released from that portion of the DDA. Staff supports the request so that the City can go out with an **RFP** for the entire site, west of the **facility** as well as the area south. The **RFP** would identify parameters for the development, which would provide a balance between day and night activities in the area and stimulate pedestrian oriented uses **to** compliment the existing commercial uses in the downtown. He also described the key components that the Council had wanted to see for the site. In response to Council comments,



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he reminded members that the City had received a significant grant from the Federal government for partial funding of the Civic Plaza, which would be preserved.

Council Member Hilson said he would like to see an additional alternative that would simply seek an office and commercial development of the area. There is no shortage of land for residential building. The property in and around the complex is prime for **office** and commercial. He also commented that the building height of **55-feet** is appropriate for the building between City Hall and the BART station. If a residential structure of that height were built next to the City Hall to the south near Atherton Place, a structure of that size would dwarf the City Hall and diminish it. He suggested that it be limited to **40-feet** or perhaps two-stories, with a larger setback along the City Hall boundary. He also suggested that the City get a direct equivalent to the value paid for the land.

Council Member Ward commented that the purpose of redevelopment is to urge private participation in what is going on in the downtown area. The inducements provided can vary from assistance with infrastructure improvements to land costs. However, it should be the policy of the Council to get as much as possible for the land on the market. The goal should be to get an equal sum to what is paid by the City. In the long term, a balance should occur from property and sales tax revenues. He also pointed out that the adopted Downtown Plan called for residential adjacent to City Hall because the office/commercial market may still be soft in downtown. He said he would rather not have any of the pad sit vacant for the next **five** or ten years.

Mayor/Chairperson Cooper opened and closed the public hearing at **9:41** p.m., with no comments from the public.

Following the motion made by **Council/RA** Member **Henson**, Council Member Dowling commented that he appreciated the proposal for using already existing parking structures or creating underground parking as opposed to building more on-surface parking. He said he hoped staff would encourage better pedestrian access across the bus lanes at the BART station, possibly in the form of an underground passage. He also encouraged staff to survey Atherton residents as to their shopping habits in the downtown, use of BART, and their opinions about proposals for the site.

It was moved by **Council/RA** Member **Henson**, seconded by **Council/RA** Members Rodriguez and Jimenez, and unanimously carried by all present, to approve the following:

Resolution 98-176, "Resolution of the City Council of the City of Hayward Approving the Termination of the Provisions of the Disposition and Development Agreement Executed on April 9, 1996, Between the Redevelopment Agency of the City of Hayward, and Hayward City Center Company, LLC"